

Application No: 09/433,202

REMARKS

Claims 39-58 are pending. By this Amendment, claims 1-28 and 31 are canceled without prejudice, and new claims 39-58 are added. The specification has been amended to update references to copending patent applications that have subsequently issued.

New claims 39, 40, 42-46 and 50 are supported by the specification, for example, at claims 1 and 3 as filed, page 30, line 31 to page 31, line 6 and page 38, lines 3-18. Claim 41 is supported by the specification, for example, at claim 18 as filed. Claim 47 is supported by the specification, for example, at claim 23 as filed. Claim 48 is supported by the specification, for example, at claim 24 as filed. Claim 49 is supported by the specification, for example, at page 53, line 26 to page 54, line 8. Claim 51 is supported by the specification, for example, at claim 2 as filed. Claim 52 is supported by the specification, for example, at claim 10 as filed. Claim 53 is supported by the specification, for example, at claim 14 as filed. Claim 54 is supported by the specification, for example, at claim 15 as filed. Claim 55 is supported by the specification, for example, at claim 17 as filed. Claim 56 is supported by the specification, for example, at claim 19 as filed. Claim 57 is supported by the specification, for example, at claim 22 as filed. Claim 58 is supported by the specification, for example, at claim 26 as filed.

No new matter is introduced by the amendments or by the new claims. Applicants respectfully request reconsideration of the rejections based on the following comments.

Rejection Over Rostoker in View of Farkas

The Examiner rejected claims 1-9 and 18-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,389,194 to Rostoker et al. (the Rostoker patent) in view of U.S. Patent 6,001,730 to Farkas et al. (the Farkas patent). In view of the cancellation of the rejected

Application No: 09/433,202

claims and the introduction of new claims, this rejection is presently moot, although Applicants do not acquiesce in the rejection. In view of the cancellation of the previous claims, Applicants respectfully request withdrawal of the rejection of claims 1-9 and 18-28 under 35 U.S.C. § 103(a) as being unpatentable over the Rostoker patent in view of the Farkas patent.

Rejection Over Rostoker et al. in View of Farkas et al. and Sachan et al.

The Examiner rejected claims 10-13 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over the Rostoker patent in view of the Farkas patent and U.S. Patent Application 2001/0024933 to Sachan, et al. (the Sachan application). In view of the cancellation of the rejected claims, and the introduction of new claims, this rejection is presently moot, although Applicants do not acquiesce in the rejection. Applicants respectfully request withdrawal of the rejection of claims 10-13 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over the Rostoker patent in view of the Farkas patent and the Sachan application.

Rejection under 35 U.S.C. § 102

The Examiner rejected claim 31 under 35 C.F.R. § 102(b) as being anticipated by the Rostoker patent. Claim 31 has been canceled. Therefore, this rejection is presently moot, although Applicants do not acquiesce in the rejection. In view of the cancellation of the rejected claim, Applicants respectfully request withdrawal of the rejection of claim 31 under 35 C.F.R. § 102(b) as being anticipated by the Rostoker patent.

Application No: 09/433,202

Obviousness-Type Double Patenting Rejection - 09/136,483

The Examiner provisionally rejected claims 1-9, 14, 15 and 18-25 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9-15 of copending Application No. 09/136,483. The rejected claims have been canceled. The present rejection is moot. In view of the cancellation of the rejected claims, Applicants respectfully request withdrawal of the rejection of claims 1-9, 14, 15 and 18-25 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9-15 of copending Application No. 09/136,483.

Obviousness-Type Double Patenting Rejection - 09/136,483 in view of Farkas and Sachan

The Examiner provisionally rejected claims 10-13 and 16-17 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9-15 of copending Application No. 09/136,483 in view of the Farkas patent and the Sachan patent. The rejected claims have been canceled. Therefore, the rejection is presently moot. In view of the cancellation of the rejected claims, Applicants respectfully request withdrawal of the rejection of claims 10-13 and 16-17 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9-15 of copending Application No. 09/136,483 in view of the Farkas patent and the Sachan patent.

Obviousness-Type Double Patenting Rejection - 09/841,255 in view of Farkas

The Examiner provisionally rejected claims 1-9, 14, 15 and 18-25 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 15, 23, 24 and 26-30 of copending Application No. 09/841,255 in view of the Farkas patent. The rejected claims have

Application No: 09/433,202

been canceled. Therefore, the rejection is presently moot. In view of the cancellation of the rejected claims, Applicants respectfully request withdrawal of the rejection of claims 1-9, 14, 15 and 18-25 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 15, 23, 24 and 26-30 of copending Application No. 09/841,255 in view of the Farkas patent.

Obviousness-Type Double Patenting Rejection - 09/841,255 in view of Farkas and Sachan

The Examiner provisionally rejected claims 10-13 and 16-17 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9-15 of copending Application No. 09/841,255 in view of the Farkas patent and the Sachan patent. The rejected claims have been canceled. Therefore, the rejection is presently moot. In view of the cancellation of the rejected claims, Applicants respectfully request withdrawal of the rejection of claims 10-13 and 16-17 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9-15 of copending Application No. 09/841,255 in view of the Farkas patent and the Sachan patent.

Obviousness-Type Double Patenting Rejection - 6,726,990

The Examiner rejected claims 1-9, 14, 15 and 18-25 under nonstatutory obviousness-type double patenting as being unpatentable over claims 9-15 of Patent 6,726,990. The rejected claims have been canceled. Therefore, the rejection is presently moot. In view of the cancellation of the rejected claims, Applicants respectfully request withdrawal of the rejection of claims 1-9, 14, 15 and 18-25 under nonstatutory obviousness-type double patenting as being unpatentable over claims 9-15 of Patent 6,726,990.

Application No: 09/433,202

Obviousness-Type Double Patenting Rejection - 6,726,990 in view of Farkas and Sachan

The Examiner rejected claims 10-13 and 16-17 under nonstatutory obviousness-type double patenting as being unpatentable over claims 9-15 of Patent 6,726,990 in view of the Farkas patent and the Sachan patent. The rejected claims have been canceled. Therefore, the rejection is presently moot. In view of the cancellation of the rejected claims, Applicants respectfully request withdrawal of the rejection of claims 10-13 and 16-17 under nonstatutory obviousness-type double patenting as being unpatentable over claims 9-15 of Patent 6,726,990 in view of the Farkas patent and the Sachan patent.

Obviousness-Type Double Patenting Rejection - 11/046,610

The Examiner provisionally rejected claims 1-9, 14, 15 and 18-25 under nonstatutory obviousness-type double patenting as being unpatentable over claims 13-17 of copending Application No. 11/046,610. The rejected claims have been canceled. Therefore, the rejection is presently moot. In view of the cancellation of the rejected claims, Applicants respectfully request withdrawal of the rejection of claims 1-9, 14, 15 and 18-25 under nonstatutory obviousness-type double patenting as being unpatentable over claims 13-17 of copending Application No. 11/046,610.

Obviousness-Type Double Patenting Rejection - 11/046,610 in view of Farkas and Sachan

The Examiner provisionally rejected claims 10-13 and 16-17 under nonstatutory obviousness-type double patenting as being unpatentable over claims 13-17 of copending Application No. 11/046,610 in view of the Farkas patent and the Sachan patent. The rejected claims have been canceled. Therefore, the rejection is presently moot. In view of the

Application No: 09/433,202

cancellation of the rejected claims, Applicants respectfully request withdrawal of the rejection of claims 10-13 and 16-17 under nonstatutory obviousness-type double patenting as being unpatentable over claims 13-17 of copending Application No. 11/046,610 in view of the Farkas patent and the Sachan patent.

Obviousness-Type Double Patenting Rejection - 6,290,735

The Examiner rejected claims 1-3, 5-9, 14, and 18-25 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 8 and 10-11 of Patent 6,290,735. The rejected claims have been canceled. Therefore, the rejection is presently moot. In view of the cancellation of the rejected claims, Applicants respectfully request withdrawal of the rejection of claims 1-3, 5-9, 14, and 18-25 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 8 and 10-11 of Patent 6,290,735.

Obviousness-Type Double Patenting Rejection - 6,290,735 in view Farkas and Sachan

The Examiner rejected claims 10-13 and 15-17 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 8 and 10-11 of Patent 6,290,735 in view of the Farkas patent and the Sachan patent. The rejected claims have been canceled. Therefore, the rejection is presently moot. In view of the cancellation of the rejected claims, Applicants respectfully request withdrawal of the rejection of claims 10-13 and 15-17 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 8 and 10-11 of Patent 6,290,735 in view of the Farkas patent and the Sachan patent.

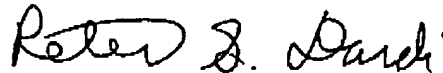
Application No: 09/433,202

CONCLUSIONS

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Peter S. Dardi, Ph.D.
Registration No. 39,650

Customer No. 62274
Dardi & Associates PLLC
US Bank Plaza, Suite 2000
220 South 6th Street
Minneapolis, Minnesota 55402
Telephone: (404) 949-5730